

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK VALENZUELA, JR.,

Plaintiff,

No. CIV S-04-0900 FCD DAD P

vs.

C. SMITH, M.D., et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 16, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. On March 15, 2006, the court received plaintiff's request for a lengthy extension of time to file objections to the findings and recommendations. Plaintiff cites the anticipated volume of his objections and a pending state habeas proceeding, although he does not state that he has an imminent deadline in the latter litigation.

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The court does not find good cause to extend plaintiff's time to file objections to the findings and recommendations. In the interests of justice, however, the court will construe plaintiff's filing as stating objections to all of the magistrate judge's findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, the court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 16, 2006, are adopted in full;

2. Defendants' July 18, 2005 motion for summary judgment is granted; and

3. This action is dismissed.

DATED: March 21, 2006

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge